

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION**

#### **JOINT APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

**Call to Order:** By **CHAIRMAN CHRISTINE KAUFMANN**, on February 9,  
2005 at 8:10 A.M., in Room 102 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Christine Kaufmann, Chairman (D)  
Sen. Dan Weinberg, Vice Chairman (D)  
Sen. John Cobb (R)  
Rep. Joey Jayne (D)  
Sen. Greg Lind (D)  
Rep. Penny Morgan (R)

**Members Excused:** Rep. Walter McNutt (R)

**Members Absent:** None.

**Staff Present:** Pat Gervais, Legislative Branch  
Laura Good, Committee Secretary  
Lois Steinbeck, Legislative Branch

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:** Public Health and Safety Division  
(PHSD) sections

**CHAIR REP. CHRISTINE KAUFMANN, HD 81, HELENA,** called the meeting to order at 8:10 A.M.

**Ms. Jane Smilie, Administrator, Public Health and Safety Division (PHSD),** offered an overview of the morning's proceedings.

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**Ms. Jo Ann Dotson, Chief, Family and Community Health Bureau,** provided and discussed a document detailing Montana Teen Pregnancy Resources, in response to yesterday's question from **SEN. DAN WEINBERG, SD 2, WHITEFISH,** about Whitefish-area initiatives to decrease unintended teenage pregnancies.

[EXHIBIT\(jhh32a01\)](#)

**REP. JOEY JAYNE, HD 15, ARLEE,** noted Glacier County's high rate of teen pregnancy.

**Ms. Dotson** discussed recent Glacier County teen pregnancy reduction efforts.

*{Tape: 1; Side: A; Approx. Time Counter: 9.3}*

**Mr. Todd Harwell, Chief, Chronic Disease Prevention and Health Promotion Bureau (CDPHP),** directed the Committee back to the PHSD Overview, Exhibit 10, Tuesday, February 8, 2005.

**Mr. Harwell** began with Page 12, Slides 23-24, CDPHP Bureau Sections; Page 13, Slide 25, CDPHP Proposed 2007 Biennium Funding; Page 13, Slide 26, Funding for Breast and Cervical Cancer Screening.

At the request of **CHAIR KAUFMANN, Mr. Harwell** discussed connections between CDPHP's Breast and Cervical Cancer screening program and Medicaid's Breast and Cervical Cancer treatment program.

**Mr. Harwell** returned to the overview, Page 14, Slide 27, Funding for Obesity Prevention Grant, Decision Package (DP) 131, Page B-100 in the Budget Analysis; Page 14, Slide 28, Funding for Diabetes Control Program, DP 141, Page B-100.

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Responding to questions from **REP. JOEY JAYNE, HD 15, ARLEE** about government-funded anti-obesity initiatives, **Mr. Harwell** discussed a variety of DPHHS programs and the DPHHS task force on obesity and cardiovascular issues.

**REP. JAYNE** suggested that Montana consider implementing a Fitness Czar, not unlike its proposed Drug Czar.

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**SEN. GREG LIND, SD 50, MISSOULA,** told **REP. JAYNE** that he is on the DPHHS obesity and cardiovascular issue task force, and would provide her with more information about it. **SEN. LIND** also requested that PHSD representatives strive to note individuals and communities affected by specific DP's.

**Mr. Harwell** agreed to do so.

**Mr. Harwell** proceeded with Page 15, Slide 29, Funding for Cardiovascular Health Program, DP 169, Page B-100; Page 15, Slide 30, funding for Montana Tobacco Quit Line, DP 70, Page B-100.

**SEN. WEINBERG** asked if nicotine replacement therapy items, such as patches and gum, are available to the public free of charge.

**Mr. Harwell** confirmed that such items are available free of charge to individuals who call the Quit Line for smoking cessation assistance, and do not have health insurance or do not have appropriate health insurance coverage. He projected that federal funds would cover services in the event of increased Quit Line requests.

*{Tape: 1; Side: A; Approx. Time Counter: 21.4}*

**Mr. Harwell** continued with Page 16, Slide 31, Montana Tobacco Use Prevention Base Funding, DP 171, Page B-100; Page 16, Slide 32, General Fund for Poison Control, DP 3012, Page B-25 (DP 12, Page B-101 withdrawn); Page 17, Slide 33, Montana Tobacco Use Prevention Program, DP 3111, Page B-101.

Responding to questions from **SEN. LIND**, **Mr. Harwell** noted costs related to the Poison Control program.

**Ms. Steinbeck** stated that Montana currently participates in the Poison Control Consortium Program based at Denver's Rocky Mountain Poison Control Center.

**REP. JAYNE** pointed out that DP 3111 is erroneously numbered.

**Ms. Steinbeck** agreed to correct this mistake.

*{Tape: 4; Side: B; Approx. Time Counter: 26.8}*

**Mr. Harwell** resumed the PHSD Overview on Page 17, Slide 34, Funding for Rural Access to Emergency Devices Grant, DP 155, Page B-101.

At the request of **SEN. WEINBERG**, **Mr. Harwell** stated that PHSD relies on first responders such as local Emergency Medical Services (EMS) groups and firefighters to notify their communities that they have and use Automatic External Defibrillators (AED).

**SEN. WEINBERG** and **REP. JAYNE** requested broader public outreach about existence of and access to these AED's.

*{Tape: 1; Side: B}*

**Mr. Harwell** discussed Page 18, Slide 35, Funding for Comprehensive Cancer Control, DP 156, Page B-101; page 19, slide 37, funding for Disability and Health Program, DP 172, Page B-102.

At the request of **REP. JAYNE**, **Mr. Harwell** described total funding for Diabetes Control, as well as specifically slated uses for the \$18,000 Diabetes Control funds included in DP 84.

**Mr. Paul Lamphier, Chief, Lab Services Bureau**, discussed Communicable Disease Control and Prevention DP's, including Page 49, Slide 50, Increases in Funding for Local Board Inspection Funds, DP 96, Page B-107; Page 26, Slide 51, Expanded West Nile Activities, DP 129, Page B-107; Page 25, Slide 52, General Fund for AIDS prevention, DP 3011, Page B-25 (DP 11, withdrawn, Page B-108).

Responding to a question from **SEN. JOHN COBB, SD 9, AUGUSTA**, **Mr. Lamphier** stated that the program discussed in DP 3011 does not have a waiting list.

*{Tape: 1; Side: B; Approx. Time Counter: 11.9}*

Prompted by **SEN. WEINBERG**, **Mr. Lamphier** estimated that there are 500 cases of AIDS in Montana; 300 of those individuals receive care funded in part through the Ryan White Grant.

**Mr. Lamphier** returned to the overview, Page 27, Slide 3, Increase Funding for Ryan White AIDS Grant, DP 134, Page B-107; Page 27, Increase Funding for the Tuberculosis Grant, DP 136, Page B-107; Page 28, Slide 55, Increase Funding for the Immunization Grant, DP 137, Page B-107; Page 28, Slide 56, Increase Funding for Rape Prevention and Sexual Assaults, DP 138, Page B-107; Page 29, Slide 57, Increase Funding for Sexually Transmitted Disease (STD)

Prevention, DP 139, Page B-107; Page 29, Slide 58, Prior Year Authority - Local Board Inspection Funds, DP 101, Page B-108.

***{Tape: 1; Side: B; Approx. Time Counter: 20.6}***

Responding to questions from **CHAIR KAUFMANN, Mr. Lamphier** and **Mr. Dale McBride, Financial Services, PHSD**, discussed why counties are unable to access State special revenue monies appropriated through DP 101.

**Mr. Lamphier** went on to Page 30, slide 59, Adult Lead Reporting, DP 166, Page B-108.

At the request of **SEN. WEINBERG, Mr. Lamphier** elaborated on matters surrounding county health inspection of food establishments and accumulation of unspent local board inspection funds, including local-level management difficulties.

**Ms. Smilie** discussed measures taken to address related workforce issues.

**Ms. Steinbeck** suggested that the committee enact a statutory amendment stating that if the county does not perform food establishment inspections, then the state will do so.

***{Tape: 2; Side: A}***

**Mr. Lamphier** moved on to Lab Services Bureau and discussed Page 31, Slide 61, Public Health Laboratory overview; Page 31, Slide 62, Environmental Laboratory overview; Page 32, Slide 63, Lab Services Bureau Proposed 2007 Biennium Funding; Page 32, Slide 64, Additional Authority for Laboratory Supplies, DP 102, Page B-109; Page 33, Slide 65, Increase in Federal funding for the Bio-monitoring Grant, DP 133, Page B-109; Page 33, Slide 66, Statewide FTE Reduction, DP 9999, Page B-110; Page 34, Slide 67, Clinical Laboratory Specialist, DP 117, Page B-110; Page 34, Slide 68, Environmental Laboratory Chemist, DP 187, Page B-110.

**Ms. Smilie** resumed the podium to provide an overview of Public Health System and Emergency Preparedness Bureau DP's.

First, she acknowledged Mr. Lamphier for his extended and excellent service to the Division, and noted that he will be leaving PHSD in 11 days.

***{Tape: 2; Side: A; Approx. Time Counter: 10.6}***

**Ms. Smilie** discussed Pages 35-36, Slides 70-72, Public Health System Improvement and Emergency Preparedness Bureau, division-

and system-wide activities and funding; Page 37, Slide 73, Public Health Improvement and Emergency Preparedness Bureau; Page 37, Slide 74, Increase Funding for Health Trend Monitoring Survey, DP 140, Page B-122.

At the request of **SEN. COBB**, **Ms. Smilie** agreed to report back to the Committee on Medicaid access issues reported in the survey results.

**Ms. Smilie** moved on to Page 38, Slide 75, Increase Funding for Preventive Health Block Grant, DP 176, Page B-112; Page 38, Slide 76, Public Health Planner, DP 163, Page B-113; Page 39, Slide 77, Environmental Public Health Tracking Program Staff, DP 165, Page B-113.

Prompted by **SEN. LIND**, **Ms. Smilie** discussed the degree of creativity and flexibility allowed by the Federal government in the use of specific Federal grants and funding sources.

**{Tape: 2; Side: A; Approx. Time Counter: 23.8}**

**Ms. Smilie** discussed Page 39, Slide 78, Fully Implement Public Health Emergency Preparedness, DP 124, Page B-111; Page 40, Slide 79, Fully Implement Hospital Emergency Preparedness, DP 128, Page B-112.

Responding to questions from **REP. PENNY MORGAN, HD 57, BILLINGS**, and **CHAIR KAUFMANN**, **Ms. Smilie** remarked on the ebb and flow of Federal grants and funding, and discussed how ongoing State- and Federally-funded upgrades help PHSD remain prepared for state health crises.

**Ms. Smilie** continued with Page 40, Slide 80, Statewide Preparedness Staff, DP 159, Page B-113; Page 41, Slide 81, Communicable Disease Monitoring Staff, DP 164, Page B-113.

**{Tape: 2; Side: B}**

**SEN. LIND** requested further description of staff positions included in DP 159, which **Mr. Lamphier** provided. Also at **SEN. LIND**'s prompting, **Mr. Lamphier** stated that Bovine Spongiform Encephalopathy (BSE) testing capabilities and responsibilities would probably lie with the Department of Agriculture, not PHSD.

**Ms. Smilie** covered Pages 41 through 47, Slides 82-94, and the final page of the entire Overview packet, Public Health and Hospital Emergency Procedures Progress Report - Montana's performance, process and areas for improvement, and national comparisons. She also directed the Committee to Page 18 of the

Overview's blue section for Public Health Emergency Preparedness and System Improvement success stories.

At the request of **SEN. COBB**, **Ms. Smilie** discussed public health challenges that the division might face in the next two years, including keeping state-level work up to pace with local-level work.

**CHAIR KAUFMANN** led the Committee in thanking **Mr. Lamphir** for his service to PHSD.

*{Tape: 2; Side: B; Approx. Time Counter: 23.1}*

After a brief break, **Mr. Harwell** returned to the overview, discussing Page 48, Slide 95, Tobacco Use Prevention Efforts in Montana: A Summary of Current and Proposed Efforts (DP 3111, 170, 171); Pages 48 and 49, Slides 96 and 97, Smoking-related health and economic impacts; Page 50, Slide 99, What works to prevent tobacco use; Page 50, Slide 100, States that invest in comprehensive programs get results.

**Mr. David Ewer**, Budget Director for Governor Schweitzer, arrived to briefly address the Committee on Montana tobacco use prevention, I-146 and I-149. He expressed his hope that the Committee would support all DP's related to the prevention campaign.

*{Tape: 3; Side: A}*

**SEN. COBB** proposed that PHSD develop simple and effective tobacco prevention program success measurement models.

**Mr. Ewers** agreed in principle but voiced practical concerns regarding model specifics.

Responding to **SEN. WEINBERG**, **Mr. Ewers** discussed ways in which I-149 shifts statewide insurance costs onto smokers. He expressed that he was unaware of any proposals to mandate higher health insurance premiums for smokers.

*{Tape: 4; Side: B; Approx. Time Counter: 8.2}*

**Mr. Harwell** returned to the Overview, Page 50, Slide 100, States that invest in comprehensive programs get results; Page 51, Slide 101, Is Tobacco Prevention Cost Effective?

At the request of **REP. MORGAN**, **Mr. Harwell** and **Mr. Chappuis** offered that to the best of their knowledge, most private insurance companies do not cover nicotine replacement therapies.

**Mr. Harwell** discussed Pages 51-52, Slides 102-103, Current Tobacco Prevention Efforts in Montana.

Per the Committee's interest, **Mr. Harwell** agreed to research and provide more information about funding and funds allocation at the five urban Indian centers.

**Mr. Harwell** talked about Page 52, Slide 101, Figure 3 - Prevalence of current cigarette smoking among high school students, Montana and the US, 1993 to 2003.

***{Tape: 3; Side: A; Approx. Time Counter: 14.4}***

Responding to **REP. MORGAN**, **Mr. Harwell** addressed issues of enforcing smoking laws on and near public school campuses.

**Mr. Harwell** turned to Page 53, Slide 105, Figure 4, Number of intake calls, phone counseling enrollment calls, and requests for Nicotine Replacement Therapy (NRT) to the Montana Quit Line, May 2004 to December 2004; Page 53, Slide 106, Figure 5, Prevalence of current cigarette smoking among adults, Montana, California and Massachusetts, 1996 and 2002; Page 54, Slide 107, Figure 6, Percentage of mothers who smoked during pregnancy, Montana and selected states, 1990, 1996, and 2002.

**Mr. Harwell** moved on to Page 54, Slide 108, Figure 7, Challenges to implementing tobacco use prevention efforts in Montana; Page 55, Slide 109, Total Proposed Annual Tobacco use Prevention Funding; page 55, Slide 110, Long-Term Impact; Page 56 through 58, Slides 111 through 115, Comprehensive Approach to Tobacco Prevention in Montana - Proposed Efforts and Evaluation Methods regarding Community-Based programs, Cessation Services, School-Based programs, Public Education and Awareness, Training and Technical Assistance, Surveillance and Evaluation, and Enforcement (Departments of Revenue and Justice).

**Mr. Harwell** then addressed Page 58, Slide 116, 2010 Outcomes from Implementing a Comprehensive Program; Page 59, Slide 117, Summary.

Prompted by **REP. MORGAN**, **Mr. Neil Peterson**, Department of Revenue, described how the tobacco tax works.

***{Tape: 3; Side: B}***

**Mr. Peterson** also agreed to provide the Committee with information about revenues collected by the tobacco tax from implementation to the present, noting reasons why the data on tobacco purchases will not accurately project future trends.



**REP. MORGAN** expressed her concerns that the State has inflated its I-149 revenue projections.

At the request of **CHAIR KAUFMANN**, **Mr. Peterson** described ways in which the increases in tobacco prices have provided more significant financial benefits to wholesalers than to businesses that sell tobacco products directly to consumers.

*{Tape: 3; Side: B; Approx. Time Counter: 7.5}*

**SEN. COBB** provided and **Ms. Steinbeck** discussed charts comparing recent and current cigarette tax and tobacco tax information.

**Ms. Steinbeck** and **Mr. Peterson** pointed out that the Department cannot move to recoup taxes on tobacco products sold since the increase, but affixed with old, lower-rate tobacco tax stickers. They agreed that the Department could do so if it received legislative authority, but did not know how the Committee would go about delegating such authority.

**Mr. Harwell** made final remarks regarding the tobacco use prevention plan, and provided and discussed a report on the Montana Tobacco Use Prevention Plan.

**EXHIBIT** (jhh32a02)

*{Tape: 4; Side: B; Approx. Time Counter: 18.8}*

**SEN. COBB** emphasized his concerns regarding sustainability of I-149.

**Ms. Steinbeck** discussed the Legislative Fiscal Division (LFD) issue related to PHSD as noted on Page B-89, and provided and explained a table entitled "Examples of Expenditures that are Similar Among Department of Public Health and Human Services (DPHHS) Divisions and the Way Those Expenditures are Recorded in the Accounting System." She entertained questions from the Committee as they arose, and introduced **Mr. Paul Christofferson, Administrator, Department of Administration, Administrative Financial Services Division**, and **Mr. Mick Robinson, Administrator, Fiscal Services Division**, to give follow-up comments.

**EXHIBIT** (jhh32a03)

*{Tape: 4; Side: A}*

**Ms. Steinbeck** continued, stating that the Committee has the authority to define grant expenditures in statute and to limit the Department's authority to shift costs between categories.

**Mr. Robinson** provided and discussed a packet on "Object of Expenditure Explanation" and a letter from Mr. Christofferson regarding LFD grants and Operating Cost Issues.

[EXHIBIT\(jhh32a04\)](#)

[EXHIBIT\(jhh32a05\)](#)

*{Tape: 4; Side: A; Approx. Time Counter: 10.2}*

**Ms. Steinbeck** responded to Mr. Robinson's comments, directing the Committee to Page B-91 for further discussion of differences between grants and contracts.

**Mr. Christofferson** discussed a proposal to convene the Committee, Department and agency representatives, and Department staff to create new accounting definitions, politics and procedures, and to address discrepancies in definitions for and usage of grants and contracts.

**REP. MORGAN** suggested that the Committee and Department take up this work immediately.

**Mr. Chappuis** projected effects of limitations on flexibility in base appropriations, including managerial challenges and the possibility the Department might be rendered unable to address Committee mandates.

**Ms. Steinbeck** discussed ways in which statutory provisions could be enacted to the mutual benefit of the Department and the Committee.

*{Tape: 4; Side: A; Approx. Time Counter: 21.3}*

**CHAIR KAUFMANN** offered her thoughts on transparency issues and more specific tracking of Operations appropriations.

**SEN. WEINBERG** asked how the Committee could best express and enact its intents.

**Ms. Steinbeck** stated that statutes and restricted line-item appropriations are the best way to ensure that the Department and Administration abide by the Committee's wishes.

**SEN. LIND** made conjectures regarding similarities between the LFD issue on Page B-89 and the DPHHS carry-forward savings issue.

**Ms. Steinbeck** affirmed that DPHHS had a 30% operating cost carry-forward, but emphasized that it could not use general fund savings from Federal Matching Assistance Percentage (FMAP) changes as they were required to revert these monies to the general fund.

***{Tape: 4; Side: A; Approx. Time Counter: 30}***

**SEN. LIND** requested increased reporting regarding carry-forward funds.

**Mr. Chappuis** provided more information about carry-forward funds, noting that some portions did not materialize until very late in the biennium. He also stated that Office of Budget and Program Planning (OBPP) approval is needed to spend carry-forward funds.

***{Tape: 4; Side: B}***

**Mr. Bob Andersen, OBPP**, discussed OBPP issues regarding carry-forward funds. He assured the Committee that OBPP reports interim Departmental funds transfers to LFD staff, and that statutes are not needed to induce Department and Administration cooperation.

**Ms. Steinbeck** noted situations in which statute would have been or could have been helpful in enacting Committee intent.

The following exhibits were submitted following the meeting:

[EXHIBIT\(jhh32a06\)](#)

[EXHIBIT\(jhh32a07\)](#)

**ADJOURNMENT**

Adjournment: 12:00 P.M.

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REP. CHRISTINE KAUFMANN, Chairman

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LAURA GOOD, Secretary

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Additional Exhibits:

**EXHIBIT** ([jhh32aad0.TIF](#))